

Appl. No. : 10/672,275
Filed : September 24, 2003

REMARKS

The Office Action mailed on December 1, 2005 has been carefully considered. Accordingly, the changes presented herewith, taken with following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-23 are currently pending in the instant application. Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 6,059,791 ("Chambers"). Applicant respectfully traverses the Examiner's rejection based on the following arguments.

Claims 1-18 Are Not Anticipated by Chambers.

Chambers teaches a lens injecting device comprising a cylindrical barrel and a slidable plunger. In the preferred embodiment, the lens injecting device further comprises a spring to create a force between the cylindrical barrel and slidable plunger. Chambers, column 5, lines 39-47. The spring causes a spring force that is opposite in direction to the advancing slidable plunger. Chambers column 5, lines 4-5. In some embodiments, a damper replaces or is used in combination with the spring for applying a damping resistance force for controlling the forward movement of the slidable plunger. Chambers, column 6, lines 39-43. Thus, the teachings of Chambers are directed to apparatus and methods of controlling the release of an advancing folded or condensed deformable intraocular lens by applying a force in a direction opposite to the direction of advancement of the deformable lens when being inserted into the eye. Chambers, column 4, lines 42-47.

By contrast, claims 1 and 13 is directed to a device for inserting, controllably releasing and accurately positioning a folded intra-ocular lens into an eye comprising, in pertinent part, a latch pin and a latch finger configured for engagement with said latch pin for preventing proximal lateral movement of a plunger rod assembly (or push rod in claim 13). Chambers does not teach or suggest a latch pin and a latch finger configured for engagement with the latch pin. To the contrary, Chambers teaches a plunger that is provided with a lower groove for receiving an inwardly extending protrusion of a cylindrical barrel 12. Chambers column 6, lines 10-16.

Furthermore, Chambers does not teach or suggest the combination of a latch pin and a latch finger for preventing proximal lateral movement of a plunger rod assembly. To the contrary, Chambers teaches an arrangement that allows a plunger to freely slide unimpeded. Chambers,

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column 4, lines 50-51. Elsewhere, Chambers teaches apparatus and methods of controlling the release of an advancing intraocular lens by applying a force in the opposite direction. Chambers, column 4, lines 42-47. Chambers elsewhere teaches providing a lens injecting device having a slidable plunger with a spring to control movement [but not prevent movement] of the plunger to control the release of an intraocular lens into the eye. Chambers, column 3, lines 51-55. If anything, Chambers actually teaches away from preventing proximal lateral movement by teaching a spring that applies a force in a direction opposite to the direction of advancement [i.e., in the proximal direction] of the deformable lens being inserted into the eye. Chambers, column 4, lines 42-47.

The Examiner has asserted that Chambers, in column 6, lines 10-16, teaches a latch pin and a latch finger configured for engagement with said latch pin for preventing proximal lateral movement of said plunger rod assembly. However, rather than teaching prevention of lateral movement, this section from Chambers teaches a lower groove and an inwardly extending protrusion that provide a locking key way arrangement to prevent relative rotation of the slidable plunger 16 within the cylindrical barrel 12 (i.e., maintains a fixed orientation of the slidable plunger 16 to prevent rotation within the cylindrical barrel 12). Chambers, column 6, lines 12-16. Thus, contrary to the Examiner's assertion, does not teach in the cited reference preventing proximal lateral movement, but merely teaches preventing relative rotation. Elsewhere, Chambers is completely silent regarding preventing proximal lateral movement, as recited in Applicants' claim 1.

At least because Chambers does not teach or suggest all of the limitations of claims 1 and 13, Applicants request the Examiner to indicate that claim 1 and 13 are allowable. Claims 2-12 and 14-18 depend from claims 1 and 13, respectively, and further define the invention of claims 1 and 13. Thus, claims 2-12 and 14-18 are patentable over Chambers at least for the same reasons that claims 1 and 13 are patentable thereover, and are patentable in their own right as well.

Claims 19-23 Are Not Anticipated by Chambers.

The teachings of Chambers have been discussed above. By contrast, claim 19 is directed to a method of inserting an intra-ocular lens into an eye comprising, in pertinent part, actuating a latch and pin mechanism of a plunger rod assembly and removing a force to a control knob assembly without causing movement of said plunger rod assembly. For similar reasons as those

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discussed above with regard to claims 1 and 13, Chambers does not teach all the limitations of claim 19. Specifically, Chambers does not teach or suggest actuating a latch and pin mechanism of said plunger rod assembly, since Chambers does not teach the elements being actuated in claim 19.

In addition, Chambers does not teach or suggest removing a force to a control knob assembly without causing movement of said plunger rod assembly. To the contrary, Chambers teaches counteracting forces in the form of (1) an advancing force created by pushing on the end of the plunger with the thumb while gripping the finger grip (Chambers, column 2, lines 18-19) and (2) a spring producing a force that is opposite in direction to the advancing slidable plunger (Chambers column 5, lines 4-5). It will be appreciated that, in contrast to Applicants' claim 19, removal of the advancing force would result in proximal lateral movement of the plunger, due to the removal of opposing force created by the spring taught by Chambers. As discussed in greater detail above, Chambers teach or suggest locking or otherwise preventing lateral movement of the pushrod.

Regarding independent claim 23, Chambers does not teach or suggest actuating a latch and pin mechanism of said plunger rod assembly, as already discussed above. Furthermore, Chambers does not teach or suggest further advancing the plunger rod assembly so that the latch finger disengages from the latch pin, thereby unlocking said insertion device.

At least because Chambers does not teach or suggest all of the limitations of claims 19 and 23, Applicants request the Examiner to indicate that claim 19 and 23 are allowable. Claims 20-22 depend from claim 19 and further define the invention of claim 1. Thus, claims 20-22 are patentable over Chambers at least for the same reasons that claim 19 is patentable thereover, and are patentable in their own right as well.

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CONCLUSION

For the foregoing reasons, Applicant respectfully asserts that the claims now pending are allowable over the prior art of record. Therefore, Applicant earnestly seeks a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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